

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

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726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

March 6, 1998

GENERAL NOTICE LETTER URGENT LEGAL MATTER--PROMPT REPLY NECESSARY CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Ohio Rubber 2911 Ben Hur Avenue Willoughy, OH 44094

Re:

PCB Treatment, Inc. Superfund Site

Kansas City, Kansas and Kansas City, Missouri

Dear Reader:

This letter notifies you of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9607(a), as amended (CERCLA), that you may incur or may have incurred with respect to the above-referenced site. This letter also notifies you of potential response activities at the site, which you may be asked to perform or finance at a later date.

BACKGROUND INFORMATION

The PCB Treatment, Inc. Superfund site (the "site") consists of two buildings and the surrounding areas which were operated by waste disposal companies during the 1980s. These companies received waste shipments of polychlorinated biphenyls (PCBs). PCBs are chemicals which were formerly used in electrical equipment to prevent overheating. The companies operated at two locations. One building is located in Kansas City, Missouri, and the other building is located in Kansas City, Kansas. The facilities obtained a permit pursuant to the Toxic Substances Control Act (TSCA) to process and dispose of waste PCBs; however, due to regulatory violations and releases of PCBs at the facilities, the permit was not renewed and the facilities ceased operations in 1986. Efforts to complete closure and clean-up of the facilities under TSCA proved unsuccessful due to financial and technical reasons, and the facilities were abandoned. Because of the extensive residual PCB contamination, the facilities were referred to the Superfund program to be addressed using CERCLA authorities.

Site:	PCB
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Other:_	

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Over 1,500 parties sent materials containing PCBs to the site. These materials included transformers, capacitors, PCB oil, regulators, debris and other miscellaneous equipment. Due to the large number of parties, the U.S. Environmental Protection Agency (EPA) anticipates that a number of parties may qualify for "de minimis" settlements. The EPA's projected timetable for offering these settlements, along with other information regarding liability, is discussed below.

NOTICE OF POTENTIAL LIABILITY

The EPA has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced site. The EPA has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the site. Unless EPA reaches an agreement under which a potentially liable party or parties will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), potentially liable parties may be ordered to perform response actions deemed necessary by EPA to protect the public health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the site. Such actions and costs may include, but are not limited to, expenditures for conducting an Engineering Evaluation/Cost Analysis (EE/CA), conducting a removal action, and other investigation, planning, response, oversight, and enforcement activities. In addition, potentially liable parties may be required to pay for damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

The EPA has evaluated information in connection with the investigation of the site. Based on this information, EPA believes that you are a potentially responsible party (PRP) with respect to this site. Potentially responsible parties under CERCLA include current and former owners and operators of the site as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to the site. By this letter, EPA notifies you of your potential liability with regard to this matter for the costs associated with investigation and cleanup of this site.

In accordance with CERCLA and other authorities, EPA has already undertaken certain actions and incurred certain costs in response to conditions at the site. These response actions include preliminary investigation of the site by EPA, the performance of an EE/CA by a group of PRPs, EPA oversight costs associated with the EE/CA and the costs associated with identifying and locating PRPs, as well as information management associated with PRP information. The EPA may expend additional funds for response activities at the site under the authority of CERCLA and other laws.

SITE RESPONSE ACTIVITIES

The EPA has performed some investigation activities at the site. At present, a group of PRPs is performing an EE/CA under an Administrative Order on Consent with EPA. The purpose of the EE/CA is to evaluate and compare different cleanup alternatives. In addition to the EE/CA, EPA is planning to conduct the following activities at the site:

- 1. Removal activities at both the Kansas and Missouri facilities, which may include a range of possibilities from cleaning up the contamination inside the buildings and in the soil surrounding the buildings to demolition of the buildings. Demolition may be necessary if it is determined that the cleanup process would not adequately address the residual risks, or if removal of the contaminated areas within the buildings would render the buildings unstable or uninhabitable. After the EE/CA is completed, EPA will make a decision as to which cleanup alternative is preferred by EPA, and hold a formal public comment period so that all interested parties can provide input to EPA before a final decision is made.
- 2. Follow-through activities to monitor, operate, and maintain the completed removal action as required at the site after the removal action is complete.

REQUEST FOR INFORMATION

The EPA is working under the Superfund program to investigate and clean up contamination from hazardous substances, particularly polychlorinated biphenyls (PCBs), from the former PCB Treatment, Inc. facilities at 2100 Wyandotte Street, Kansas City, Missouri and 45 Ewing Street, Kansas City, Kansas (the "Sites"). Superfund is a federal program designed to clean up hazardous substances that may pose a threat to human health or the environment. (The full name of the Superfund program is the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, which together are referred to as CERCLA.) PCB Treatment, Inc. operated from 1982 until approximately 1987. During that time, the following names were used: PCB Treatment, Inc.; PCB, Inc. of Missouri; PCB, Inc. of Kansas; Environmental Resource Management, Inc.; and Envirosure (which according to business records acted as the sales and invoicing agent). PCB contamination has been detected in the buildings and soils at both Sites and EPA is investigating the nature and extent of this contamination.

As part of this investigation, the EPA is sending information request letters to the owners of the Sites, and to all persons who may have sent materials containing PCBs to the Sites. Business records obtained from High Voltage Maintenance in response to its information request letter indicates that your firm used High Voltage Maintenance to send materials to the facility(ies) for treatment and/or disposal. Pursuant to the authority of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request enclosed with this letter.

You may assert a business confidentiality claim covering part or all of the information you submit. The manner in which to assert such a claim is set forth in 40 C.F.R. § 2.203(b). The information covered by such a claim will be released by EPA only to the extent and in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to you. You should read these regulations carefully, together with the standards set forth in Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), before asserting a business confidentiality claim, because certain categories of information are not entitled to confidential treatment.

Your response to this Information Request should be mailed within 30 days of receipt of this letter to:

Pauletta France-Isetts
Superfund Division
U.S. EPA, Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

The EPA strongly encourages you to give this matter your immediate attention and to respond to the Information Request within the time specified above. Please be advised that the EPA has the authority to compel compliance with this Information Request and to seek penalties in the event of non-compliance, as set forth in Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5).

The EPA plans to review all the information submitted by you and other persons who sent materials to the Sites for the purpose of achieving clean-up of the contamination and settlement of all the parties' potential liability for the contamination as expeditiously as possible.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

INFORMATION TO ASSIST RESPONSIBLE PARTIES

To assist PRPs in their understanding of the issues associated with this site, EPA is providing the following information as an enclosure to this letter:

1. A list of names and addresses of PRPs to whom this notification is being sent. This list represents EPA's preliminary findings on the identities of PRPs. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the site.

2. A background information sheet about the site which explains the history of the site, the nature of the contamination at the site, why the site is being addressed under Superfund and a discussion of past and current response actions at the site.

PRP STEERING COMMITTEE

Some of the PRPs at the site have formed a Steering Committee. The Steering Committee has agreed to perform the EE/CA pursuant to an Administrative Order on Consent with EPA. The Steering Committee has indicated that it will enter into negotiations with EPA for the performance of the necessary removal actions at the site. If you would like to be included as a party to these negotiations, EPA recommends that you contact the Steering Committee representative listed below:

Russell Selman, Esq.
Katten, Muchin & Zavis
525 West Monroe Street, Suite 1600
Chicago, IL 60661-3693
(312) 902-5390

Alternatively, EPA encourages each PRP to select one person from its company or organization who will represent its interests.

Please note that many parties will qualify as *de minimis* parties pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g). Under this provision of CERCLA and the policies EPA has developed under this provision, certain parties who contributed a relatively small portion of the waste to a site may resolve their liability for site costs by paying a cash settlement. The EPA anticipates offering such settlements to many of the parties at this site. Before offering such settlements, EPA would like to ensure that volumetric and cost information is accurate. Cost information will not be available until EPA selects a response action at the conclusion of the EE/CA process. Therefore, EPA will notify all parties at a later date of: 1) the allocation formula to be used to calculate the appropriate cost share; and 2) the names of the parties who will be offered *de minimis* settlements.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this site, will be available to the public for inspection and comment. The primary location is generally the EPA Regional office. Because the site is located within the Kansas City area, this will be the only location at which the public may view the administrative record. The administrative record will be completed after conclusion of the EE/CA.

PRP RESPONSE AND EPA CONTACT

It is not necessary to contact EPA in response to this letter unless you have questions concerning the information contained in this letter. The EPA will send notification at a later date regarding parties eligible for *de minimis* settlements. In addition, an information update will be sent to all parties upon completion of the EE/CA. This update will also contain information regarding initiation of negotiations for performance of removal activities. Again, if you are interested in joining the Steering Committee, please contact Russell Selman at the address listed above.

If you have any questions, please call (913) 551-7018 and leave a message. Because of the large number of parties involved at this site, EPA has set up a voice message system at this number that is specifically dedicated to callers who need information on this site. Please leave a message at this number and an EPA employee will return your call as soon as possible.

Sincerely,
Mileel Donderson

Michael J. Sanderson Director, Superfund Division

Enclosures

cc:

Randy Carlson, KDHE Candice Hamil, MDNR

Russell Selman, Katten Muchin & Zavis

THE ATTACHED INFORMATION IS AN EXCERPT FROM THE

HIGH VOLTAGE MAINTENANCE

104(e) RESPONSE

FOR:

Ohio Rubber 2911 Ben Hur Avenue Willoughy, OH 44094

OHIO RUBBER 2911 BEN HUR AVE WILLOUGHY OH 44094



份包 12686

10/29/85 P.O. 10054

UNINEE:

Dayton, Oftio 45414 5100 Energy Onve 513/278-0811

indianappirs, ind. 46239 1416 Sadier Circle, East Dr. 317/356-6411

Mentor, Ohio 44060 7200 Industrial Park Blvd. 216/931-2706

GENERAL OFFICES: DAYTON, OHIO

New Bertin, WIA: 53151 2165 South 170th Street 414/784-3860

Florence, Ky. 41042 7045 Production Court 606/342-7710

SOLD

TO

OHIO RUBBER 2911 Ben Hur Ave.. Willoughby, Ohio 44094 PCB Inc. May 2971

150840 3080-09 1441 (BB) Cita turit = OH 44 ALLEGIAN RELALL

E. I NO 31-0725293

TERMS: NET 10 DAYS

REMIT TO: P.O. BOX 14059, DAYTON, OHIO 45414

EXEMPT CERTIFICATE:

LABOR AND MATERIAL TO PERFORM SPILL CLEAN UP:

(13) MAN HOURS AT \$55.00/MAN HR. *

\$845.00

HAT'L: BOX RASS (10) GALS. SOLVENT +

104.11

TOTAL:

\$949.11

TOTAL INVOICE AMOUNT \$540 11

FIRST AND FINAL BILLINGF

EXERATOR Ohio. Kubber JOB. NO. CB-3732 & DATE RECEIVED 10-15-85 ASK. DIL OVER 500 PPM NO. OF DRUMS GAL. LOG NO. _____ OIL 50 - 500 PPH _____ NO. OF DRUMS ____ GAL. ___ LOG NO. _____ OIL UNDER 50 PPM NO. OF DRUMS GAL. CAPACITORS: NO. OF DRUMS _____ TOTAL NO. OF CAPS. _____ LOG NO. WEIGHT LOG NO. _____ WEIGHT ______ NO. OF LEAKING CAPS. WEIGHT ______ CONTAMINATED SOLIDS TRANSFORMERS: QUANTITY NO. DRUMS — ♠ — LOG NO. _____ SIZE _____ LOG NO. <u>572</u> (80185 LOG NO. SIZE ____ LOG NO. _____ SIZE ____ LOG NO. _____ LOG NO. _____ LOG NO. _____SIZE LOG NO. LOG NO. _____ SIZE SIZE LOG NO. LOG NO. SIMMARY LIQUID UNDER 50 PPM/PCB X PCB CONTAMINATED LIQUID 50-500 PPN/PCB _____ X ____ PCB LIQUID OVER 500 PPM/PCB X CombuiNED WITH HUM SoliDS IN DRUM NO572

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BILL TO						
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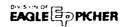
QUOTED BY _____ LOCAL TAX _____

LUMP SUM TAM

PLW (NTC)

PURCHASE ORDER AMENDMENT





PLEASE ALTER OUR PURCHASE ORDER NO. 10094/66447 DATED 10/21/85

FOR THE FOLLOWING REASON

change price item #1

Add item #2

High-Voltage Maintenance 7200 Industrial Park Bl&d. P. O. Box 316 Mentor, OH 44060

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TEM	QUANTITY	Ü,O.M.	ORCO CODE	TO READ:	PRICE
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2	1			Serviceman to perform spill clean up	949.11
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	which minimizes the present and future threat to human health and the environment.					
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Style F15R-6 Labelmaster, Div. of American Labelmark Co. Inc. 60646

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

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Sheet No. _-

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SOLID	WAST	£		
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HOME CHIO RUBBER

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MORTON SALT

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12 drams @ 400# ea = 4800#

CB-3932

EPA ID MOD#980633044

P.C.B., INC. OF MISSOURI



Certificate of Destruction

P.C.B., Inc. Of Missouri has destroyed waste receiv-							
ed fr	ed from HIGH VOLTAGE MAINTENANCE CORPORATION						
as identified in hazardous Waste Manifest # PCB 122685 (2971)							
and	hereby	certifies	such	destruction as of this			
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	7200 Indust Mentor, Oll	e Maintenance rial Park Blvd. 44060		A.C. Schamet Title President			

LECATE OF DESTRUCTION



Psaims 18:2

Trinity Chemical Company, Inc.

6405 Metcalf • Cloverleaf 3 • Suite 507 • Shawnee Mission, KS 66202 913/831-2290 • Toll Free 800/PCB-TEST

PCB, INC. P.O. Box 23793 Kansas City, MO 64141

Trinity Chemical Co., Inc. hereby certified that as of the 13th day of October , 1986, it has disposed of the material referenced below in accordance with 40CFR 761 as it pertains to PCB disposal.

These items are identified by Trinity Chemical Co., Inc.'s invoice # 1312

dated October 13, 1986 Customer P.O. # 9631

Manifest # 3873

PCB-Contaminated Oil Under 500 ppm - 79 DRUMS
Batch Nos.: 1-1009, 1-1010

R4: 2971

Subscribed and sworn to before me this

13thday of October 1986

Notary Public Jackson County, MC
Deforis England

My Commission Expires 9/21/88

Trinity Chemical Co., Inc

Title Vice President

Date October 13, 1986

CERTIFICATE OF DESTRUCTION



Trinity Chemical Company, Inc.

6405 Metcalf • Cloverleaf 3 • Suite 507 • Shawnee Mission, KS 66202 913/831-2290 • Toll Free 800/PCB-TEST

Psalms 18:2

PCB, Inc. P.O. Box 23793 Kansas City, MO 64141

26th Trinity Chemical Co., Inc. hereby certified that as of the ___ November ______, 1986 _____, it has disposed of the material referenced below in accordance with 40CFR 761 as it pertains to PCB disposal. These items are identified by Trinity Chemical Co., Inc.'s invoice # 1341 dated November 26, 1986. Customer P.O. # 208 Manifest# 3924) PCB-Contaminated Oil Under 500 ppm - 86 DRUMS 1-1126 & 2-1126 Batch Nos.:

Ry 397)

Subscribed and sworn to before me this 26th day of November

My Commission Expires 9/8/89 Trinity Chemical Co.

Title President

Date November 26,

EDVrocheM====	
Highway 169 North P.O. Box 907 Coffeyville, KS 67337 316-251-4782	Nº 00247
DATE: December 3, 1986	EPA ID# <u>KSD981506025</u>
DATE. DECEMBER 1, 1100	
Certificate o	f Destruction
THIS IS TO CERTIFY THAT THE HAZ	ZARDOUS WASTE MANIFESTED TO
PYROCHEM ON DOCUMENT #	(3932) c2712 WAS
DESTROYED IN ACCORDANCE WIT	
	8.4.2471
	PYROCHEM
GENERATOR National Electric, Inc.	BY <u>Donna Pflieger</u> Environmental Affairs
ADDRESS P. O. Box 935	TITLE Document Specialist
Coffeyville, KS 67337	SIGNATURE Sonna fleeger

No.	1/_	MATIONAL	A Chui
		ELECTRICING	C.

21400 Hamburg Ave., P.O. Box 820, Lakeville, MN 55044 (612) 469-3475 Highway 169 North, P.O. Box 935, Coffeyville, KS 67337 (316) 251-6380

DATE: December 4, 1986

Νº

2721

EPA ID # MND980791321

Certificate of Destruction

THIS IS TO CERTIFY THAT THE HAZARDOUS WASTE MANIFESTED TO

NATIONAL ELECTRIC, INC. ON DOCUMENT # ______ WAS

DESTROYED IN ACCORDANCE WITH 40 CFR 761 AS OF ______ 11/30/86

Thy 297/

GENERATOR PCB Inc., of Missouri

ADDRESS 2100 Wyandotte

<u>Kansas City, MO 64108</u>



NATIONAL ELECTRIC, INC.

BY Judy Noble

TITLE Document Administrator

SIGNATURE_

Gudy Noble

CERTIFICATE OF DESTRUCTION



Trinity Chemical Company, Inc.

6405 Metcatf • Cloverleaf 3 • Suite 507 • Shawnee Mission, KS 66202 913/831-2290 • Toll Free 800/PCB-TEST

PCB, INC. P.O. Box 23793 Kansas City, MO 64141

R.M. 2971

Subscribed and sworn to before me this

14th day of October 19 86

Notary Public Jackson County, MO
Deloris England

Letona England

My Commission Expires 9/21/88

Trinity Chemical Co., Inc.

By Vice President

Date October 14, 1986

EPA ID #ILD000672121 ILL. ID #0316000058

6418

Certificate No.



No 6418

Certificate of Destruction

waste received from PCB Inc., of Missouri as identified in hazardous Waste Manifest # IL1416380 at it's Chicago Incineration facility and hereby certifies such destruction as of this 29th day of April 198 6 Generator PCB Inc., of Missouri Addyess 45 Ewing Street Kansas City, KS 66108	SCA Chemical Services Inc. has incinerated	
at it's Chicago Incineration facility and hereby certifies such destruction as of this 29th day of April 198 6 Generator PCB Inc., of Missouri Address 45 Ewing Street Tille Plant and Technical Manager	waste received from PCB Inc., of Missouri	
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Generator PCB Inc., of Missouri Address 45 Ewing Street Address Plant and Technical Manager	and hereby certifies such destruction as of this 🛬	
Generator PCB Inc., of Missouri Address 45 Ewing Street Address Plant and Technical Manager		`
me/rlant and rechnical manager	Generator PCB Inc., of Missouri By Ray Alkhatib	
Kansas City, RS 66108	Tille / Plant and Technical Manager	
Contact Jack VanGundy W/O #86-4460	Contact Jack VanGundy	